

REMARKS

In the Office Action dated December 13, 2006, claims 34 and 40 were rejected under 35 U.S.C. § 101; claims 1 and 3 were rejected under § 102 over U.S. Patent No. 6,426,980 (Gorday); claim 4 was rejected under § 103 over Gorday in view of U.S. Patent No. 6,134,230 (Olofsson); claim 13 was rejected under § 103 over Gorday in view of U.S. Patent Application Publication No. 2004/0062274 (Hakansson); and claims 34, 36, and 40 were rejected under § 103 over Gorday in view of U.S. Patent No. 6,870,821 (Sebire).

Applicant acknowledges the indication that claims 5-12, 14-16, 18-29, 31-33, 37-39, and 41 have been allowed.

REJECTION UNDER 35 U.S.C. § 101

Claims 34 and 40 have been amended to replace “data signal embodied in a carrier wave” with “article comprising at least one storage medium.” Thus, the preamble of claim 34 is amended to be consistent with the preamble of claim 39. Therefore, it is respectfully submitted that the § 101 rejection has been overcome.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claims 34, 36, and 40 were rejected as being obvious over Gorday and Sebire. Note that the effective § 102(e) date of Sebire is January 30, 2003, which is after the November 17, 2000 filing date of the present application. Therefore, **Sebire is not prior art** with respect to the present application. Withdrawal of the § 103 rejection is therefore respectfully requested.¹

Independent claim 1 has been amended, and as amended, it is respectfully submitted that claim 1 is not anticipated by Gorday. The Office Action cited column 4, lines 50-58, of Gorday as disclosing the use of two interleavers (a first interleaver 64 to perform I-channel interleaving, and a second interleaver 66 to perform Q-channel interleaving). However, note that the two interleavers are used to interleave different sets of calls. Thus, as explained by Gorday, the first interleaver 64 interleaves a first set of *calls* 70, and the second interleaver 66 interleaves a second set of *calls* 76. Gorday, 4:50-55.

In contrast, claim 1 now recites a method of interleaving speech data communicated with a particular mobile station over a plurality of frames, where the method includes interleaving a first set of the speech data communicated in a communications session with the particular mobile station according to a first algorithm over plural frames communicated over a wireless channel, and interleaving a second set of the speech data communicated in *the* communications session with *the particular* mobile station according to a second algorithm over plural frames communicated over the wireless channel. Thus, claim 1 makes clear that the interleaving according to two algorithms of two corresponding sets of speech data is with respect to speech data in *one* communications session with *one* mobile station (“the particular mobile station”). The interleaving according to different interleaving schemes performed by Gorday is for completely different calls for different mobile stations.

Therefore, it is respectfully submitted that claim 1 is not anticipated by Gorday.

¹ The Office Action indicated that Gorday does not disclose “a half-rate mobile station.” Note that claim 34 does not recite a “half-rate mobile station.” A “half-rate mobile station” is recited in claims 36 and 40.

Independent claim 34 is also distinguishable over Gorday, since claim 34 recites interleaving a first speech traffic frame in a communications session of a mobile station over plural bursts according to a first algorithm, and interleaving a second speech traffic frame in *the* communications session of *the* mobile station over plural bursts according to a second algorithm. Gorday also does not meet these elements of claim 34.


Claim 36 has been amended from dependent form into independent form. In view of the fact that Sebire is **not prior art** with respect to claim 36, it is respectfully submitted that claim 36 is now in condition for allowance.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims over Gorday, it is respectfully submitted that the obviousness rejections of dependent claims over Gorday and other references have been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0072US).

Respectfully submitted,

Date: Mar 13, 2007



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